

State of California

Division of Occupational Safety and Health
Cal/OSHA High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314757618
Inspection Dates: 09/01/2011 -
Issuance Date: 01/13/2012
CSHO ID: A8982
Optional Inspection Nbr: 016-012

**Citation and Notification of Penalty**

Company Name: NATIONAL DISTRIBUTION CENTERS, LP
Inspection Site: 15835 SAN ANTONIO AVE, CHINO, CA 91708

Citation 1 Item 1 Type of Violation: Serious Accident Related

§3203. Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards. (A) When the Program is first established;

EXCEPTION: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

(7) Provide training and instruction:

(A) When the program is first established;

EXCEPTION: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

On or about August 30, 2011 an employee of Tri State Staffing Inc working for National Distribution Centers, LP suffered a serious heat illness because National Distribution Centers, LP failed to implement and/or failed to ensure implementation of the required elements of an Injury and Illness Prevention Program including but not limited to:

1. National Distribution Centers, LP failed to identify and evaluate the hazard of occupational heat exposure and heat illness for employees exposed to the risk of heat illness. Reference §3203(a)(4).
2. National Distribution Centers, LP failed to establish and implement procedures for correcting the hazard of occupational heat exposure and heat illness including but not limited to failure to respond to symptoms of possible heat illness, failure to contact emergency medical services when necessary, and failure to have a designated person available to ensure that emergency procedures are invoked when appropriate. Reference §3203(a)(6) and §5193(f).
3. National Distribution Centers, LP failed to provide training on the hazard of occupational heat exposure and heat illness before employees were exposed to the risk of heat illness. Reference §3203(a)(7) and §5193(f).

Date By Which Violation Must be Abated:
Proposed Penalty:

01/20/2012
\$ 18000.00

Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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State of California
Division of Occupational Safety and Health
Cal/OSHA High Hazard Compliance Unit
2000 East McFadden Avenue, Suite 111
Santa Ana, CA 92705
Tel (714) 567-7100 Fax (714) 567-6074

NOTICE OF PROPOSED PENALTIES

Company Name: NATIONAL DISTRIBUTION CENTERS, LP

Inspection Site: 15835 SAN ANTONIO AVE, CHINO, CA 91708
Mailing Address: 15835 SAN ANTONIO AVE, CHINO, CA 91708

Issuance Date: 01/13/2012

Reporting ID: 0950662

Index Code: 4502

Summary of Penalties for Inspection Number 314757618

Citation 1, Serious	= \$ 18000.00
TOTAL PROPOSED PENALTIES	= \$ 18000.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603**

___ Fatality

NARRATIVE SUMMARY

Establishment Name	Inspection Number
TRI STATE STAFFING NATIONAL DISTRIBUTION CENTERS	314757600 314757618
Management Contacted	Title(s)
Erica Lepe, Tri-State Staffing	Workers Compensation
Mark Winsborrow, National Distribution Centers, LP	Director of Safety

Information on Injured

Name, Address and Phone Number EE#1 Domingo Blancas <div style="background-color: black; width: 150px; height: 40px; margin-top: 5px;"></div>	Occupational Laborer
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Witness Names(s) and Title

*Check box preceding name if confidentiality is given

*	Name and Titles	Address	Phone No.	Signed Statement?
EE#2				
EE#3				
EE#4				
EE#5				
EE#6				

INTRODUCTION:

On August 30, 2011, an employee (EE#1) of Tri State Staffing working at National Distribution Centers (NDC) became seriously ill with heat illness. Tri State Staffing is a temporary employment agency that supplies workers to NDC. NDC is a warehouse operator and is located at 15835 San Antonio, Chino CA .

REPORTING REQUIREMENTS:

The accident was reported to DOSH on 8/31/11 by Erica Lepe from Tri-State Staffing and by Mark Winsborrow Director of Safety for National Distribution Centers, LP. The 8 hour reporting requirement was met by both employers.

CONDITIONS AND FACTORS LEADING TO ACCIDENT:

The injured (EE#1), a 49 year old male laborer began to experience a severe headache accompanied by body aches and nausea on 8/30/11 after working 2 hours sweeping the floor in the warehouse. He did not report his symptoms to anyone despite being symptomatic the entire shift because he did not think his symptoms were serious. He completed the remainder of his shift and went home. After getting home, his headache and body aches worsened and he began to feel dizzy. He awoke the next morning with a headache, dizziness and body aches. He returned to work in the morning on 8/31/11 and continued to work before finally reporting his symptoms to his employer. He reported that he had been drinking at least 3-4 liters of fluid each day due to the heat. He was referred to Care First Medical Group, Inc. by his employer, Tri State Staffing. He was driven to Care First by a coworker who was also going to the clinic. The employer failed to recognize the injured symptoms as heat related and did not address heat in the IIPP.

Temperatures reached 90°F in the warehouse.

The Division's medical unit reviewed EE#1's medical records and concluded "the employee's symptoms and response to medical treatment, along with the diagnosis of heatstroke are consistent with a heat illness. A heat illness is confirmed."

CAUSES AND CONCLUSIONS:

EE#1 suffered a serious heat illness because Tri State Staffing Inc. and NDC failed to implement and/or failed to ensure implementation of the required elements of an Injury and Illness Prevention Program that addressed the hazard of indoor heat illness.

ACCIDENT RELATED CITATIONS ISSUED:

The accident investigation was closed on January 13, 2012 and the following Serious Accident Related citation was issued to both Tri State Staffing and NDC.

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DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

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(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

On or about August 30, 2011 an employee of Tri State Staffing Inc. working for National Distribution Centers, LP suffered a serious heat illness because Tri State Staffing Inc. failed to implement and/or failed to ensure implementation of the required elements of an Injury and Illness Prevention Program including but not limited to:

1. Tri State Staffing Inc failed to identify and evaluate the hazard of occupational heat exposure and heat illness for employees exposed to the risk of heat illness. Reference §3203(a)(4).
2. Tri State Staffing Inc failed to establish and implement procedures for correcting the hazard of occupational heat exposure and heat illness including but not limited to failure to respond to symptoms of possible heat illness, failure to contact emergency medical services when necessary, and failure to have a designated person available to ensure that emergency procedures are invoked when appropriate. Reference §3203(a)(6) and §5193(f).
3. Tri Stare Staffing Inc failed to provide training on the hazard of occupational heat exposure and heat illness before employees were exposed to the risk of heat illness. Reference §3203(a)(7) and §5193(f).

	Signature	Date
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DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Prepared by: CSE, IH		
Reviewed by: DM/Sr. IH		
Regional Manager		
Deputy Chief		